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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,100	03/06/2002	Robert S. Robinson	ROBI-22US	8012
26875	7590	03/24/2004	EXAMINER	
WOOD, HERRON & EVANS, LLP			NICOLAS, FREDERICK C	
2700 CAREW TOWER				
441 VINE STREET			ART UNIT	PAPER NUMBER
CINCINNATI, OH 45202				3754

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/092,100	ROBINSON, ROBERT S.
	Examiner	Art Unit
	Frederick C. Nicolas	3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 02 February 2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 35-43 is/are allowed.
- 6) Claim(s) 1-5, 10-19 and 31-34 is/are rejected.
- 7) Claim(s) 6-9 and 20-30 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5,19,31 are rejected under 35 U.S.C. 102(b) as being anticipated by Keppers et al. 6,017,163.

Keppers et al. discloses a wheeled receptacle for applying a liquid to a surface on which the wheeled receptacle is supported as seen in Figure 1, which comprises a circumferential sidewall 15a, a bottom wall 12 connected to the circumferential sidewall, at least two wheels d1a and 21b, a steering handle 11 for guiding the wheeled receptacle on the surface, a spigot 32 through which a liquid may flow onto a surface, a selectively-adjustable valve 35, a spigot handle 41 is connected to the spigot, the spigot handle being elongated and extending upward from the spigot as seen in Figure 2, a third wheel 21c, at least one of the wheels being a non-caster wheel and at least another of the wheels being a caster wheel as seen in Figure 1, a floor tool as seen in Figure 2, the floor tool has a floor-contacting member 33 and a floor-tool handle 31 is connected to the floor-contacting member.

The wheeled receptacle shown by Keppers et al. will perform the method recited in claims 1-5, during normal operational use of the receptacle.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keppers et al. 6,017,163.

Keppers et al. has all the features of the claimed invention except that the step of determining, prior to the guiding step, a path for the wheeled receptacle to take across the surface, the path determining the selected area of the surface.

At the time the invention was made, it would have been an obvious matter of design choice to a person having ordinary skill in the art merely dependent upon the user desired path surface for the wheeled receptacle or the most affected path surface that the wheeled receptacle will be most effective on.

As to claim 11, the limitation the path is an inverted substantially-U-shaped path, as viewed from above the surface and the path having a first leg-portion and a second leg-portion connected by a base portion.

At the time the invention was made, it would have been an obvious matter of design choice to a person having ordinary skill in the art to provide an inverted substantially-U-shaped path as such, in order to provide better control over the selected path.

Further, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to change the shape of the path to a U-shaped path as claimed, since it has been held that a change in the shape of the element involves only routine skill in the art. As per MPEP 2144.04IV.

As to claim 14, the limitation that the spreading step including moving the floor-contacting member in a serpentine pattern via the floor-tool handle.

At the time the invention was made, it would have been an obvious matter of design choice to a person having ordinary skill in the art to move the floor-contacting member in a serpentine pattern via the floor-tool handle as such, in order to provide a faster and more efficient pattern of covering a selected path.

5. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keppers et al. 6,017,163 in view of Biggs et al.

Keppers et al. has all the features of the claimed invention except that the floor tool handle includes a bend. Biggs teaches the use of providing a floor-tool handle having a bend 34.

It would have been obvious to one having ordinary skill in the art at the time the invention was to utilize Biggs' teaching onto the floor-tool handle of Keppers et al. as such, in order to have the person doing the mopping can guide the mop in a wide sweep covering a greater area than is possible with a customary mop and handle, and with very little effort and none of the injury producing effects of the use of a normal mop, as taught by Biggs (col. 3, ll. 9-19).

6. Claims 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keppers et al. 6,017,163 in view of Robinson 6,206,980.

Keppers et al. has all the features of the claimed invention except that the wheeled receptacle includes a fourth wheel. Robinson teaches the use of a wheeled receptacle having four wheels.

It would have been obvious to one having ordinary skill in the art to utilize Robinson's teaching onto the receptacle of Keppers et al. by providing wheel 32 at the bottom/base 12 of the receptacle as such, in order to enable a single person to move the receptacle from one location to another with ease, as taught by Robinson (col. 5, II. 42-45).

#### ***Allowable Subject Matter***

7. Claims 35-43 are allowed.

8. Claims 6-9,20-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

9. Applicant's arguments filed 2/12/2004 have been fully considered but they are not persuasive. Applicant argued that the reference of Keppers et al. do not teach or suggest the claimed limitation "a spigot", since the term "spigot" refers to a fixture for regulating flow of a liquid, as well as the rest of the arguments on pages 7-9. These arguments are not well founded, when the reference of Keppers et al. specifically show a spigot (32) having a valve (35) for controlling the flow to the spigot/spray head (32)

(col. 7, ll. 44-56). Any remaining arguments have been fully addressed in the above rejection.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (703)-305-6385. The examiner can normally be reached on Monday – Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mancene L. Gene, can be reached on 703-308-2696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN

March 22, 2004

*(initials)* 3/22/04

*Gene Mancene*  
Supervisory Patent Examiner  
Group 3700

*GSJ*